

## Justice Committee

### Abusive Behaviour and Sexual Harm (Scotland) Bill

#### Written submission from LGBT Youth Scotland

#### About LGBT Youth Scotland

LGBT Youth Scotland's mission is to empower lesbian, gay, bisexual and transgender young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community.

LGBT Youth Scotland is both a third sector youth work organisation and a LGBT equality organisation and runs a specific LGBT Domestic Abuse Project. The project works across Scotland to increase awareness of LGBT domestic abuse and build the capacity of professionals and organisations to respond to the needs of LGBT people experiencing domestic abuse and other forms of gender based violence.

We welcome the introduced Bill for the impact it will have on extending protections in relation to domestic abuse. Our response will focus on Part 1.

#### **1. Aggravation of offence by partner or ex-partner**

The restriction of the application of the aggravated offence to a partner or ex-partner is positive and reflects the dynamics of intimate partner violence.

The policy memorandum states in paragraph 4 that this Bill 'should give confidence to victims that action under the criminal law can be taken when they are subject to coercive control by their partner.' The introduced Bill does not mention coercive control or coercion. The crimes to which the proposed aggravation would apply are those offences which do appear within abusive relationships, such as physical assault or breach of the peace, but are already covered within legislation. A large range of behaviours central to domestic abuse are not currently criminalised and cannot be identified based on individual incidents. We note the intention to create a specific offence of coercive control and ask the Scottish Parliament to urge the Scottish Government to prioritise consultation on such an offence.

The aggravated offence of abuse by a partner or ex-partner is helpful because it will cover the types of behaviour that will not be covered by a specific coercive control offence.

#### **2. Disclosing, or threatening to disclose, an intimate photograph or film**

The inclusion of threats to disclose is positive and welcome as it recognises the harm that can be done through threats alone.

In our original consultation, we asked that disclosure and threats of disclosure of private and intimate images be expanded to cover all private and intimate materials. With a restriction to visual material, it is feasible that the threat or subsequent

disclosure of the audio track to a film may be shared without consent, which would have a similar impact on the individual. Since the motivation behind sharing or threatening to share materials is to cause distress, perpetrators will simply distribute the materials (i.e. anything private and intimate that is not a photograph or film) that are not covered within this legislation. The policy memorandum stated that the majority of respondents agreed that coverage should be widened and we ask for additional private and intimate materials to be reconsidered.

In regards to wording within this section, it would be helpful to define both consent and 'reasonably believed'.

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